

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE EQUIFAX, INC. CUSTOMER
DATA SECURITY BREACH
LITIGATION

MDL DOCKET NO. 2800
1:17-md-2800-TWT

ALL ACTIONS

STIPULATION AND ORDER GOVERNING PRIVILEGE LOGS

Pursuant to Case Management Order No. 4 (ECF No. 261), the agreement of the Parties, and for good cause shown, the Court hereby enters the following stipulation and order governing the production of privilege logs in this proceeding. As used in this order, the term “Party” refers to any one of the following: Equifax Inc., any affiliates or subsidiaries named as a defendant in the above-captioned litigation (“Equifax”), the plaintiffs in the consumer track, and the plaintiffs in the financial institution track (collectively, the “Parties”). The term “track” means either the consumer track or the financial institution track established by Case Management Order No. 2 (ECF No. 87).

A. **Privilege Logs.** A Party, including any third party, who, relying on any privilege or on the work product doctrine, withholds otherwise responsive, discoverable documents from production to a requesting or subpoenaing party, must provide a privilege log.

1. A producing party will provide privilege logs within 45 days after each production, with a final log 60 days prior to the close of fact discovery, in active sortable Excel format. The Producing Party and the Receiving Party may modify the deadlines for submission of privilege logs by agreement.

2. To the extent a Party provides multiple privilege logs in the above-captioned MDL, each such privilege log should contain all previous privilege log entries, such that each privilege log can supersede all prior privilege logs, with any changes to previously produced privilege log entries clearly identified.

3. The privilege log shall identify the author, recipient(s), date, Bates or production number, attachments and number of attachments if any, privilege and/or doctrine relied upon, and provide a description of the document and/or document family by type and content (including a

description of the subject matter addressed in the document) consistent with the Federal Rules of Civil Procedure.

4. Notwithstanding paragraph A.3. above, in order to reduce the potential burdens imposed by a document-by-document privilege log in this action, which involves high volumes of privileged material, Equifax may submit electronically generated logs of withheld documents involving communications with Equifax in-house counsel and legal staff (identified on the logs as “Equifax Legal”), outside counsel at King & Spalding LLP (identified on the logs as “King & Spalding”), or other outside counsel representing Equifax in connection with the security incident, and/or consultants retained by counsel to assist the Company and counsel in connection with the investigation or legal defense of the security incident publicly disclosed by Equifax on September 7, 2017, consisting of the following: Morphick Inc.; Edelman; Revere Agency; FireEye, Inc.; Mandiant; McGinn & Company; and PricewaterhouseCoopers LLP (each of which will be identified by name on the privilege log, as will the individual(s) from those entities who are parties to the document(s)). Such logs will contain electronically obtained data associated with each withheld document, including identification of the number of pages of each

document, any attachments and number of attachments, the date, authors and recipients, the document type, a document description, and the privilege or protection being asserted. Because email processing conventions capture the authors and recipients from the top (most recent) message in an email chain, Equifax will include a column on the log identifying any additional counsel or retained defense consultant names (including employees, when such information is available in the documents' metadata) in communications in the chain preceding the top message.

5. The Parties are not required to log privileged or work product documents exchanged solely between the Parties and their counsel relating to the investigation or legal defense of the data security incident that were created on or after July 29, 2017.

6. The Parties reserve their rights to request additional detail if necessary to evaluate or dispute a party's privilege log entries or privilege assertions and to object to such requests for additional detail.

7. By agreement of the Parties or by the Court upon a showing of good cause, a Party may be required to log particular documents that otherwise would not have to be logged.

Respectfully submitted on
September 6, 2018

/s Kenneth S. Canfield

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IT IS SO ORDERED.

Date: _____, 2018

Thomas W. Thrash
United States District Judge

CERTIFICATION

The Undersigned hereby certifies, pursuant to Local Civil Rule 7.1D, that the foregoing document has been prepared with one of the font and point selections (Times New Roman, 14 point) approved by the Court in Local Civil Rule 5.1C.

This 6th day of September, 2018.

/s/ Joseph P. Guglielmo

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 6th day of September, 2018, the undersigned electronically filed the foregoing filing using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record in this case.

/s/ Joseph P. Guglielmo

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